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March 1, 2006

Ms. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, KY 40602

RECEIVED
MAR 03 2006
PUBLIC SERVICE
COMMISSION

Re: Petition to Establish Generic Docket to Consider Amendments to
Interconnection Agreements Resulting from Changes of Law
KPSC 2004-00427

Joint Petition for Arbitration of NewSouth Communications Corp., NuVox
Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and
Xspedius Communications, LLC on Behalf of Its Operating Subsidiaries
Xspedius Management Co. Switched Services, LLC, Xspedius Management Co.
of Lexington, LLC, and Xspedius Management Co. of Louisville, LLC of An
Interconnection Agreement With BellSouth Telecommunications, Inc. Pursuant to
Section 252(b) of the Communications Act of 1934, As Amended
KPSC 2004-00044

Dear Ms. O'Donnell:

BellSouth encloses for the Commission's information the Directive issued on February 28, 2006, by the South Carolina Public Service Commission ("SCPSC") in the Change of Law proceeding in that state. The Commission adopted BellSouth's reasoning and position on all 271-related issues, including commingling. The Office of Regulatory Staff ("ORS") proposal referenced in the first bullet point of the Directive is that any CLEC with a dispute regarding a 271 element may inform the PSC and ORS of the dispute. BellSouth will have an opportunity to respond, and the ORS will discuss the issue with the parties and report to the Commission so that the PSC and ORS can "remain informed of BellSouth's provisioning of Section 271 elements in South Carolina and to consider all available options to address any concerns that may arise from such provisioning." Additionally, the ORS proposal goes on to say that any CLEC that files any FCC enforcement action against BellSouth regarding a section 271 element must provide a copy of the filing to the Commission and the ORS." The issues numbers in the South Carolina Commission Directive are identical to the issues numbers in the Matrix filed in Case No. 2004-00427 on June 30, 2005.

Ms. Beth O'Donnell
March 2, 2006
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Eleven paper copies of the Directive are provided for filing in case 2004-00044, and a copy of the filing is served on all parties of record in case 2004-00044.

One paper copy of this filing is providing for filing in case 2004-00427. The attached certification for case 2004-00427 certifies that this filing was filed electronically today and served by email on parties of record. Parties of record can access the information at the Commission's Electronic Filing Center located at <http://psc.ky.gov/efs/efsmain.aspx>.

Very truly yours,

A handwritten signature in black ink that reads "Dorothy J. Chambers". The signature is written in a cursive style with a large, prominent "D" and "W".

Dorothy J. Chambers

CERTIFICATION FOR 2004-00427

I hereby certify that the electronic version of this filing made with the Commission this 2nd day of March 2006 is a true and accurate copy of the documents filed herewith in paper form on March 2, 2006, and the electronic version of the filing has been transmitted to the Commission. An electronic copy of the Read1st document has been served electronically on parties.


for Dorothy J. Chambers

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KPSC 2004-00044
CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing was served on the individuals on the attached service list by mailing a copy thereof, this 2nd day of March 2006.


for Dorothy J. Chambers

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REQUIRES MONITORING OR
STAFF ACTION _____

COMMISSION DIRECTIVE

Page 1 of 2

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>February 28, 2006</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2004-316-C - - -</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		_____

SUBJECT:
DOCKET NO. 2004-316-C – Petition of BellSouth Telecommunications, Inc. to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting from Changes of Law – Discuss this matter with the Commission.

COMMISSION ACTION:
Mr. Chairman, I first move that the unopposed Motion to Admit the Deposition of Mr. Joseph Gillan into the record be granted.

PRESIDING	<u>Mitchell</u>				Session: Regular
	MOTION	YES	NO	OTHER	Time of Session <u>2:30 PM</u>
CLYBURN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		APPROVED _____
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		APPROVED STC 30 DAYS _____
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		ACCEPTED FOR FILING _____
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		DENIED _____
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		AMENDED _____
MOSELEY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PNV	TRANSFERRED _____
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		SUSPENDED _____
					CANCELED _____
					SET FOR HEARING _____
					ADVISED _____
					CARRIED OVER _____
					RECORDED BY <u>SCHMIEDING</u>

Commissioner Moseley was on Annual Leave the day of the Hearing.

REQUIRES MONITORING OR
STAFF ACTION _____

COMMISSION DIRECTIVE

Page 2 of 2

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>February 28, 2006</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2004-316-C - - -</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		_____

SUBJECT:

DOCKET NO. 2004-316-C – Petition of BellSouth Telecommunications, Inc. to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting from Changes of Law – Discuss this matter with the Commission.

COMMISSION ACTION:

Next, I have a multi-part motion related to the merits of this Change of Law case. I will address the outstanding issues by category:

The first category of issues would be the 271-related issues:

- With regard to Issue 8 (a), I move that we adopt the BellSouth position, along with the proposed Office of Regulatory Staff reporting requirements. Disputes regarding 271 issues would be reported to both the Commission and ORS.
- Issues 8 (b) and 8 (c) would then be declared moot.
- I further move that we adopt BellSouth’s reasoning for Issues 14, 17, 18, and 22.

The second category of issues would be the transition issues:

- I move that we adopt the BellSouth position as to Issue 2.
- With regard to Issue 3, I move that BellSouth’s reasoning be adopted insofar as it addresses disputed issues under the TRO and/or the TRRO. Issues not disputed under the TRO and/or the TRRO may not be addressed in this context, and the CLECs will not be required to abide by the BellSouth language with regard to non-TRO/TRRO issues as a result of this proceeding.
- With regard to Issue 4, I move that the BellSouth language should generally be adopted, but should be amended to allow CLECs to report high capacity loops and dedicated transport that become impaired at a later date, and that the CLECs should be furnished the unbundled network elements at TELRIC pricing upon showing of impairment. Further, I move that, for collocation purposes, companies that are or become affiliated should be counted as one collocator.
- Addressing Issue 5, I move adoption of BellSouth’s reasoning in general, but, with regard to future wire centers, BellSouth should issue a Carrier Notification Letter for wire centers that become impaired, as well as when they become unimpaired.
- With regard to Issue 9, this has been decided in a previous Commission order.
- Addressing Issues 10 and 11, I move adoption of BellSouth’s positions as to both issues.
- With regard to Issue 32, I move that we adopt BellSouth’s reasoning only insofar as it addresses disputed issues under the TRO and/or the TRRO. Again, issues not disputed under the TRO and/or the TRRO may not be addressed in the context of this proceeding.

The third category of issues would be the service-specific issues:

- I move adoption of BellSouth’s positions in Issues 13, 15, 16, 29, and 31.

The last category of issues consists of network issues:

- I move adoption of BellSouth’s reasoning in Issues 6 and 19.
- With regard to Issues 23, 24, and 28, I move first that BellSouth’s Section 2.1.2.3 should not be removed. However with regard to Greenfield areas or fiber-overbuild areas, I move that DS-1 loops should be provided at TELRIC prices if the wire center is impaired. If it is not, then no such loop need be provided at TELRIC prices. I move adoption of the remainder of BellSouth’s contract language in these areas.
- Addressing Issues 26 and 27, I move that we hold that line conditioning may not be part of routine network modification when BellSouth is being asked by the CLEC to perform non-standard modifications on a network. For routine matters, line conditioning is a part of routine network modification for services that BellSouth normally furnishes to its customers. Line conditioning for non-routine matters should be provided at a tariffed or commercial rate, whereas routine network modification (including routine line conditioning) should be provided at a TELRIC rate under this holding. This adopts BellSouth’s position that if it performs non-standard modifications at the request of a CLEC, it is entitled to be compensated for doing so at rates other than TELRIC.

PRESIDING

Mitchell

Session: Regular

Time of Session 2:30 PM

MOTION YES NO OTHER

CLYBURN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MOSELEY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PNV
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

APPROVED _____
 APPROVED STC 30 DAYS _____
 ACCEPTED FOR FILING _____
 DENIED _____
 AMENDED _____
 TRANSFERRED _____
 SUSPENDED _____
 CANCELED _____
 SET FOR HEARING _____
 ADVISED _____
 CARRIED OVER _____
 RECORDED BY SCHMIEDING

Commissioner Moseley was on Annual Leave the day of the Hearing.